



Docket No. 6032-019

CERTIFICATE OF MAILING

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6-7-01
Melissa Scanzillo
Melissa Scanzillo
Clifford Chance Rogers & Wells LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Raz et al.

Filed: December 22, 2000 Group Art Unit: 2152

Serial No.: 09/746,877 Examiner: to be determined

For: APPARATUS AND METHOD FOR IMPROVING THE DELIVERY
OF SOFTWARE APPLICATIONS AND ASSOCIATED DATA IN
WEB-BASED SYSTEMS

PETITION UNDER 37 CFR §1.47 IN SUPPORT OF ACCEPTING A DECLARATION
WHEN AN INVENTOR REFUSES TO SIGN

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JUL 31 2001

OFFICE OF PETITIONS

Sir:

This petition is being filed in response to an inventor's refusal to join in an application for a patent. Applicants respectfully submit the following:

1. Copy of Declaration of Ms. Zorina Ben-Zvi under 35 CFR 1.47(a) in Support of Accepting a Declaration when an Inventor Refuses to Sign and Exhibits.
2. Copy of Declaration of Mr. Udi Volk under 35 CFR 1.47(a) in Support of Accepting a Declaration when an Inventor Refuses to Sign and Exhibits.
3. Fee as set forth under 37 CFR §1.17(i).

Applicants respectfully state that a *bona fide* and diligent attempt was made to obtain Mr. Schmuel Melamed's signature and that Mr. Melamed refused to execute the declaration of inventorship. The enclosed declaration for this application bears Mr. Melamed's name and has been executed by the other co-inventors.

The last known address of Mr. Melamed is Dror St. 7, Hod Hasharon, Israel.

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As detailed in the attached Declarations of Ms. Zorina Ben-Zvi and Mr. Udi Volk, Mr. Melamed is a former employee of Appstream. While employed at Appstream, Mr. Melamed contributed to the invention claimed in the parent case to the present application and executed a declaration and power of attorney in that case. A copy of this executed declaration is attached as an exhibit to the Declaration of Mr. Udi Volk. Aspects of the present invention were developed after Mr. Melamed's departure from Appstream. Because subject matter from the parent application to which Mr. Melamed contributed appears in at least one claim in the present application, Mr. Melamed has been named as a co-inventor.

The present application has not been published, has been kept confidential, and discloses and claims subject matter developed after Mr. Melamed's departure from Appstream. Because Mr. Melamed is no longer employed by Appstream, he was offered a copy of the present application to review preparatory to execution of the Declaration on the condition that he execute a standard non-disclosure agreement (NDA). After repeated discussions with Mr. Melamed regarding the applications and the need to execute the Declaration of Inventorship, Mr. Melamed indicated that he would not sign the NDA or execute the declaration for this application.

Applicants respectfully request the grant of this Petition.

The Commissioner is hereby authorized to charge the petition fee of \$130.00 and any additional fee, or credit any overpayment to Deposit Account No. 50-0521. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

Date:

6/7/01



Mitchell S. Feller
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